



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PETER ROBERT FLUX

Serial No.: 09/890,771

Filed: March 5, 2002

For: SAFETY LINE ANCHOR

Attorney Docket No.: UDL 0157 PUSA

Group Art Unit: 3634

Examiner: Alvin C. Chin Shue

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer dated September 26, 2006 for the appeal of the above application. Applicant respectfully requests reconsideration for the reasons set forth below and for the reasons previously discussed in the main Appeal Brief.

The Examiner persists in rejecting claims 1-4 and 12 (and hence withdrawn claims 5-9 that are the subject of a species election requirement) based on prior art which Applicant believes is not analogous to the present invention.

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*James A. Kushman*  
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Specifically, the Examiner alleges that the David et al. British patent specification 846096 anticipates the claimed invention. More specifically, the present invention involves a bottom anchor assembly for use with a substantially vertically-oriented elongate safety line while the mentioned British reference discloses apparatus for applying tension to vertical rubbing ropes used to guide lifts in mine shafts. Such mine shaft rubbing ropes are a different technical field from the safety line invention involved with the present appeal.

More specifically, the present invention involves a bottom anchorage which can apply tension to a safety line cable temporarily installed on site and unwound from a reel to a required height.

In contrast, the David et al. British patent specification relates to a top anchor used to tension a rubbing guide rope used to guide a lift cage used in a mine shaft. Mine shaft lift cages, which are typically large enough to carry several tens of persons, move up and down a vertical mine shaft. Unlike the more familiar elevators used in buildings, mine shaft lift cages are not guided by contact with fixed guides secured to the walls of the shaft but are instead guided by vertical rubbing ropes that run the length of the shaft and are tensioned to maintain the cages in their proper vertical paths by rubbing against the cages. Because of the large weights and great depths involved, mine lift cages are employed in pairs so that the ascending and descending cages balance one another so there will be two cages travelling in opposite directions along the same shaft. As explained in David et al. the main concern in this technical field is that the rubbing guide ropes prevent the ascending and descending lift cages from colliding as they pass each other. David et al. suggests that the disclosed apparatus can be used in mine shafts up to 6000 feet in depth and that the required tension loading in the guiding posts is about 1 ton per 100 yards (300 feet) so that the tension applied to the wire is up to 20 tons in addition to the tension in the cable due to its own weight.

Thus, the length of the cables and the applied tensions in the field of lift shaft rubbing ropes according to David et al. and the necessary cable diameter are orders of magnitude greater than are encountered in safety lines for height safety systems. Further, in operation the types of loads applied to the cables will be very different in these two technical fields. A height safety system cable and its end supports will be subject to sudden shock loads when a fall occurs and is arrested. In contrast, the rubbing ropes of David et al. will be subject in use to gradually increasing and decreasing loads as mine cages move off and back toward their intended vertical path.

It is submitted that in view of the very great differences in the length, thickness and applied static tension loads and the profile of the expected dynamic loads encountered in operation in the field of lift cage rubbing ropes and the field of height safety lines, the skilled person would not expect to be able to employ the top anchor for a lift rubbing rope according to David et al. as a bottom anchor in the different technical field of height safety systems with any reasonable expectation of success.

Accordingly, contrary to the Examiner's position, it is respectfully submitted that a skilled person in the safety line field familiar with all of its prior art would not be led to replace any safety line bottom anchor with anything disclosed by the David et al. mine shaft rubbing rope top anchor.

It should be noted that the European Patent Office has considered the David et al. reference in connection with a corresponding European application and has decided that mine shaft rubbing ropes are not analogous to safety line inventions as proposed above by Applicant.

For the above reasons and for the reasons set forth in the main Appeal Brief,  
Applicant respectfully requests the Board to reverse the rejection of claim 1-4 and 12.

Respectfully submitted,

**PETER ROBERT FLUX**

By: James A. Kushman  
James A. Kushman  
Registration No. 25,634  
Attorney for Applicant

Date: October 30, 2006

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351